Appl. No. 10/722,834
Amdt. dated August 11, 2008
Reply to Office Action of May 13, 2008

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REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed May 13, 2008. Claims 1-52 were pending in the present application and stand rejected by the Examiner. No claims have been amended. Claims 1-52 remain pending in this application after entry of this amendment. Reconsideration of the rejections is requested based upon the remarks below.

THE CLAIMS

Rejections under 35 U.S.C. §102

Claims 1-11, 15-28, 32-45 and 49-52 are rejected under 35 U.S.C. §102(e) as being anticipated by Hind et al (U.S. Publication No. 2004/0205555) (hereinafter "Hind"). Applicant respectfully traverses the rejections.

Claim 1

Applicant submits that claim 1 is not anticipated by Hind. For example, claim 1 recites:

> 1.   A method of taking notes in a notes document using a note-taking device, the method comprising:
>
> generating a first request at the note-taking device to insert a portion of a first information in a first location in the notes document, the first information comprising information captured by one or more capture devices;
>
> determining if the portion of the first information requested by the first request is accessible to the note-taking device; and
>
> storing the first request in the notes document upon determining that the portion of the first information requested by the first request is not accessible to the note-taking device. (Applicant's claim 1)

As shown above, claim 1 specifically recites a method of taking notes in a <u>notes document</u> using a <u>note-taking device</u>. The various limitations of claim 1 also recite the note-taking device and the notes document in which notes can be taken. Further, the method recites that a request is generated at the note-taking device to insert a portion of a "first information" in a

first location in the notes document. Additionally, upon determining that the portion of the first information requested by the first request is not accessible to the note-taking device, the first request is stored in the notes document. Applicant submits that at least these features recited in claim 1 are not taught or suggested by Hind..

Hind describes a process for providing access to portal data in response to a user request for a portal page. Hind further discloses a portal server that aims to quickly return a portal page to a user even when some portlet information is not ready or available at the time of the request. Upon receiving a portal page request, the portal server first determines whether any portlet content of the requested portal page is not ready to be rendered. Upon determining that some portlet content is not accessible to the portal server, portal server includes a refresh header in the response data that notifies the portal page to refresh periodically.

Applicant submits that Hind in no way teaches or discloses anything related to note-taking. There is no teaching in Hind that the portal page requested by the user is used for taking notes. Consequently, Hind does not disclose any notes document or a note-taking device as recited in claim 1.

The Office Action alleges that paragraphs 0026 and 0027 of Hind teach the method of taking notes in a notes document using a note-taking device recited in claim 1. Further, the Office Action asserts that paragraph 0045 of Hind teaches a portal page that is a functional equivalent in the end-user device. (Office Action: page 3). Applicant respectfully disagrees.

As discussed above, Applicant submits that Hind does not teach anything about note-taking, a notes document, or a note-taking device. Hinds merely teaches about a portal page rendering system that provides partially-complete portal pages when some portlet content is not ready at the time of the request. In paragraph 0045, Hind merely discloses the availability of other "markup languages" for generating the portal page to accomplish the goal of quickly returning portal data to the user. There is no teaching in Hind that the portal page is used as a notes document for taking notes. Applicant thus submits that the limitations of a notes document and a note-taking device, as recited in claim 1, are not disclosed by Hind. As a result, Applicant

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further submits that the various features of claim 1 that recite a notes document and/or a note-taking device are also not taught by Hind.

Further, Applicant submits that the *"storing . . ."* feature recited in claim 1 is not taught or suggested by Hind. The Office Action alleges that the *"storing . . ."* limitation recited in claim 1 is taught by Hind in paragraphs 0031-0033 and in Figure 3A. Applicant respectfully disagrees.

In paragraphs 0031-0033, Hind discloses the use of a refresh response header <u>sent from the server</u> to periodically cause a refresh of a portal page. The Examiner appears to consider that the <u>refresh response header</u> disclosed in Hind is the same as the <u>request</u> recited in claim 1. However, Applicant would like to point out that the header data sent by Hind is <u>in response</u> to a portal page request -- it is not the <u>request</u>. The refresh header described in Hind is sent by a server as part of the portal page data response. This is substantially different from claim 1 wherein the *"storing . . ."* step specifically recites that the <u>request</u> (not the <u>response</u> to the request) generated at the note-taking device (not a server receiving the request) is stored in the notes document. Applicant thus submits that the response headers described in Hind to trigger periodic refreshes of a portal page do not teach storing the request in a notes document, as recited in claim 1.

Additionally, Applicant submits that Hind does not teach or suggest the *"determining. . ."* feature recited in claim 1. The Office Action asserts that the *"determining . . ."* limitation is taught by Hind in paragraphs 0031-0033 and figs. 2A-2C, 3A, and 3B. Applicant respectfully disagrees.

Paragraph 0031 of Hind describes Figs. 3A, 3B, 2A, and 2B and discloses delivering a partially complete portal page to the user. The partially complete page is delivered with a refresh header as depicted in Figs. 2A or 2B which causes the user's browser to send another request for the same page. When the previously unable content is available, then the portal page is redisplayed with the new content. Paragraphs 0032 and 0033 of Hind further disclose placeholder messages for unavailable portlet content and modifying the refresh times when updating the portal page.

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Based upon the above, Applicant would like to point out that Hind is concerned only with determining and reacting to whether information is <u>accessible to the portal server</u>. The portal server decides whether or not to generate placeholder content or modify the refresh times upon determining the availability of information <u>to the portal server</u>. The *"determining . . ."* step recited in claim 1, however, is concerned with determining whether presentation information is <u>accessible to the note-taking device</u>. Hind does not disclose about determining if information is accessible to anything other than the portal server. Therefore, Applicant submits that Hind does not teach or suggest determining the accessibility of information to the note-taking device, as recited in claim 1.

In light of the above, Applicant submits that claim 1 is not anticipated by Hind for at least the reasons discussed above. Applicant thus submits that claim 1 is in condition for allowance.

<u>Claims 2-11, 15-28, 32-45, 49-52</u>

Applicant submits that independent claims 18, 35, and 52 are allowable in light of Hind for at least a similar rationale as discussed above for the allowability of claim 1.

Applicant further submits that dependent claims 2-11, 15-17, 19-28, 32-34, 36-45, and 49-51 that depend either directly or indirectly from claims 1, 18, 35, respectively, are allowable in light of Hind for at least a similar rationale as discussed above for the allowability of the independent claims. The dependent claims are also allowable for additional reasons.

<u>Rejections under 35 U.S.C. §103</u>

Claims 12-14, 29-31 and 46-48 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hind and Chiu et al (U.S. Patent No. 6,452,615) (hereinafter "Chiu"). Applicant respectfully traverses the rejections.

Claims 12-14 depend from claim 1. As discussed above, claim 1 is not anticipated by Hind. Further, Applicant submits that the deficiencies of Hind with respect to claim 1 are <u>not</u> cured by Chiu. For example, Applicant submits that Chiu fails to teach the *"determining . . ."* and *"storing . . ."* features recited in claim 1. For further details of this

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discussion, please see Applicant's response filed on February 13, 2008 (responsive to the Office Action dated December 13, 2007). Applicant thus submits that even if Hind and Chiu were combined as suggested by the Office Action (even though there appears to be no motivation for the combination), the resultant combination would not render claim 1 obvious. Consequently, claims 12-14 that depend from claim 1 are also <u>not</u> rendered obvious by a combination of Hind and Chiu for a similar rationale as discussed for claim 1. The dependent claims are also patentable for additional reasons.

        Applicant submits that dependent claims 29-31 and 46-48 are allowable over a combination of Hind and Chiu for at least a similar rationale as discussed above for the allowability of claims 12-14. The dependent claims are also patentable for additional reasons.

CONCLUSION

        In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

        If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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